

REMARKS

Claims 1-44 are pending in this application. In the Office Action, Fig. 1 and claims 9, 25 and 35 were objected to. Claims 9-11, 13, 25 and 35 were rejected under 35 U.S.C. §102 as being allegedly anticipated by U.S. Patent No. 6,138,157 ("Welter"). Claims 1-3, 5-8, 14, 15, 17-23, 26-29, 31-34, 36 and 38-44 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Welter in view of what was characterized as "Applicant's Admitted Prior Art." Claims 4, 12, 16, 24, 30 and 37 were rejected under 35 U.S.C. §103(a) as being allegedly obvious over Welter in view of U.S. Patent No. 6,327,622 ("Jindal"). The foregoing objections and rejections are respectfully traversed, in part, for reasons including those set forth below.

Claim Objections

Applicant's attorney thanks the Examiner for finding the typographical error in claims 9, 25 and 35. These claims have been amended as suggested by the Examiner.

Claim Rejections

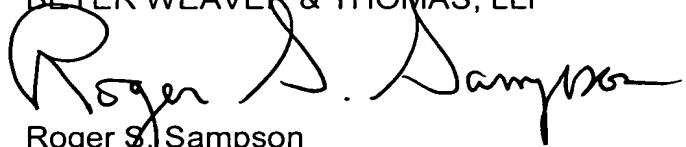
It is respectfully submitted that Welter does not teach determining the health status of a selected network device. Welter teaches methods for testing web sites. Welter, as understood, does not provide a method for testing (or even for identifying) a specific network device that may be providing content to the web site being tested. Such content may be provided to Welter's "tester" by, for example, a virtual server that receives content from a number of servers in a server farm. As understood, a gateway device associated with a virtual server would normally apply network address translation ("NAT"), wherein the virtual server and the servers in the server farm all have a single external IP address. Therefore, Welter's tester could not identify which server from a server farm is providing the content being evaluated.

Therefore, the rejections of claims 1-8, 14-24, 26-34 and 38-44 are respectfully traversed. Independent claim 9 has been amended to recite "receiving data from a selected network device." Corresponding amendments have been made to independent claims 25 and 35. Therefore, all pending claims include a recitation that the network device in question is a selected network device. Accordingly, Applicants' attorney respectfully submits that all pending claims are allowable over the art relied

upon in the Office Action. Therefore, Applicants' attorney respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. CISC186).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Roger S. Sampson". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Roger S. Sampson
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